

REMARKS

Responsive to the Office Action mailed April 24, 2002, Applicants submit the present remarks, and respectfully request reconsideration and allowance of the remaining claims.

Objections to the Specification

This application was objected to for not containing an abstract of the disclosure as required by 37 CFR 1.72(b). Applicants provide herewith an abstract on a separate sheet as required, and therefore request removal of the objection.

Rejections under 35 USC § 103

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kolodney et al. (U.S. Patent No 6,053,822) or Fariest (U.S. Patent No. D181,633). Regarding claim 1, Kolodney et al. was stated to disclose a golf tee comprising a base having upper and lower faces and a plurality of bristles extending from the base in a vertical orientation to support a golf ball. It would have allegedly been obvious to one of ordinary skill in the art to provide the annular surface of either Kolodney et al. or Fariest with an inside radius of 5 mm and outside radius of 7.5 mm, as the applicant has not shown the criticality for the claimed dimensions and it appears that the dimensions shown by Kolodney et al. or Farliest would accomplish similar purposes.

Regarding claim 2, it would have allegedly been obvious to one of ordinary skill in the art to provide the clusters with 10 to 25 bristles in order to properly support the golf ball.

Regarding claim 3, it would have allegedly been obvious to one of ordinary skill in the art to form the bristles of from nylon with a thickness of 0.4 mm in order to properly support the golf ball and take advantage of that material's well known physical characteristics.

Regarding claim 4, the upper face of the base is circular. It would have allegedly been obvious to one of ordinary skill in the art to form the width of the base be 18 mm as the applicant has not shown the criticality of the claimed dimension and it appears that the width taught by Kolodney et al. or Farliest would accomplish similar purposes.

Applicant respectfully traverses the rejections as follows.

Applicant believes that it would not have been obvious for one of ordinary skill in the art to provide an annular surface with an inside radius of 5mm and an outside radius of 7.5mm. These dimensions provide the optimum surface for supporting a golf ball, with the bristles remaining in a vertical orientation while the golf ball sits on the tee, and while providing a minimum resistance to a golf ball when a golf club passes through the bristles for hitting the ball. If the inside radius is any smaller, the ball will not sit within the vertically oriented bristles, as shown in Figure 1 of the application, and will easily fall off the tee. It would also be difficult to place the ball on the tee if the outside radius is smaller. If the inside radius is any bigger, the bristles will become splayed, and the golf ball will nestle in the tee as is shown in Figure 1 of the Kolodney specification. The splaying of the bristles means that a player can never be sure that a golf ball is always sitting at the same height, after it has been placed on the tee. Another problem with splayed bristles is that if the ball is hit with an iron, the bristles can be caught between the ball and the iron when the ball is hit and this will take away any spin that may be put on the ball by the iron. Another problem is that this could cause the tee to be pulled out of the ground and follow the ball when the ball is hit. Thus, the inside radius of 5mm and the outside

radius of 7.5mm provides the optimum annular support surface for supporting the ball, while ensuring that the bristles remain in a vertical orientation when a ball is placed on the tee. If the outside radius is smaller, the golf ball will not sit properly on the tee and will easily be blown off the tee by wind on the golf course.

The Examiner has also objected to claims 1-4 as being unpatentable over Fariest. The Examiner correctly points out that Fariest does not disclose the inside radius of 5mm and outside radius of 7.5mm. It is impossible to tell, from the abstract from the United States Patent Office, what the dimensions of the Fariest tee are. Nevertheless, the applicant believes that it would not be obvious for one of ordinary skill in the art to provide an annular surface with an inside radius of 5mm and an outside radius of 7.5mm. It is not obvious to select these dimensions. If the outside radius is smaller, the golf ball will not sit properly on the tee and will easily be blown off the tee by wind on the golf course. It would also be difficult to place the ball on the tee if the outside radius is smaller. If the inside radius is any bigger, the bristles will become splayed, and the golf ball will nestle in the tee as is shown in Figure 1 of the Kolodney specification. The splaying of the bristles means that a player can never be sure that a golf ball is always sitting at the same height, after it has been placed on the tee. Another problem with splayed bristles is that if the ball is hit with an iron, the splayed bristles can be caught between the ball and the iron when the ball is hit and this will take away any spin that may be put on the ball by the iron. Another problem is that this could cause the tee to be pulled out of the ground and follow the ball when the ball is hit. Thus, the inside radius of 5mm and the outside radius of 7.5mm provides the optimum annular support surface for supporting the ball, while ensuring that the bristles remain in a vertical orientation when a ball is placed on the tee. If the outside radius

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is smaller, the golf ball will not sit properly on the tee and will easily be blown off the tee by wind on the golf course.

Thus, the applicant believes that the tee, as claimed, is both and inventive in the light of Kolodney and Fariest.

The foregoing is submitted as a full and complete response to the Office Action mailed April 24, 2002. No additional fees are believed to be due, however, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to deposit account no. 19-5029.

If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (404) 853-8081.

Respectfully submitted,



By: William L. Warren
Reg. No. 36,714

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street, NE
Atlanta, Georgia 30309-3996
(404) 853-8000
Our Docket: 18617.0001